

JS-44 (Rev. 3/99)

CIVIL COVER SHEET

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings on other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

SEE ATTACHED RIDER

Israel

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

SEE ATTACHED RIDER

Washington, D.C.

County of Residence of First Listed
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert J. Tolchin, Esq., Jaroslawicz & Jaros, 150
William Street, 19th floor, New York, New York 10038

Attorneys (If Known)

C 04 3950-

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 2 ☐ 3
Citizen of Another State ☐ 2 ☐ 2
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3
Incorporated and Principal Place of Business in This State ☐ 4 ☐ 4
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Incorporated and Principal Place of Business in Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 119 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defuncted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Trade in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 155 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW/COPAW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 L.S.C. 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/Credit Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Easements <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

First, Fifth, Sixth, Eighth amendments to the US Constitution, inter alia.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

Gleeson

DOCKET NUMBER

02 CV 2307

DATE 9-13-04 SIGNATURE OF ATTORNEY OR PARTY

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLICANT JUDGE MAG. JUDGE

ARBITRATION CERTIFICATION

I, ROBERT TOLCHIN counsel for PLAINTIFF

do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs.

☒ Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks: NONE

Did the cause arise in Nassau or Suffolk County? NO

If answered yes, please indicate which county. _____

County of residence of plaintiff(s) (1) ISRAEL
(2) _____
(3) _____

County of residence of defendant(s) (1) WASHINGTON DC
(2) WASHINGTON, DC
(3) BROOKLYN

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes ☒

No _____

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes _____ (If yes, please explain)

No ☒

Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the first four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.
(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

ATTORNEY BAR CODE: 1273713

E-MAIL Address: RJT@TOLCHINRAW.COM

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

Signature: RJT

RIDER

The caption is as follows:

SILVAN KURZBERG; PAUL KURZBERG; YARON SHMUEL; and OMER GAVRIEL
MARMARI,

Plaintiffs,

-against-

JOHN ASHCROFT, Attorney General of the United States; JAMES W. ZIGLAR (Former Commissioner of the Immigration and Naturalization Service); MICHAEL ZENK (Warden of the Metropolitan Detention Center); DENNIS HASTY (former Warden of the Metropolitan Detention Center) KATHLEEN HAWK SAWYER (former Director of the Federal Bureau of Prisons); LINDA THOMAS (former Associate Warden of Programs of the Metropolitan Detention Center); ROBERT MUELLER (Director of the Federal Bureau of Investigation); KEVIN LOPEZ (believed to be an employee of the Federal Bureau of Prisons); S. CHASE (believed to be an employee of the Federal Bureau of Prisons); "JORDAN" (believed to be an employee of the Federal Bureau of Prisons, whose true first and last names are unknown to the plaintiffs, who believe they heard him being called "Jordan") MARIO MACHADO (believed to be an employee of the Federal Bureau of Prisons); WILLIAM BECK (believed to be an employee of the Federal Bureau of Prisons); RICHARD DIAZ (believed to be an employee of the Federal Bureau of Prisons); C. SHACKS (first name unknown first name unknown, believed to be an employee of the Federal Bureau of Prisons); SALVATORE LOPRESTI (believed to be an employee of the Federal Bureau of Prisons); STEVEN BARRERE (believed to be an employee of the Federal Bureau of Prisons); JON OSTEEN (believed to be an employee of the Federal Bureau of Prisons); J. MIELES (first name unknown, believed to be an employee of the Federal Bureau of Prisons); MICHAEL DEFRANCISCO (believed to be an employee of the Federal Bureau of Prisons); F. JOHNSON (first name unknown, believed to be an employee of the Federal Bureau of Prisons); CHRISTPHOR WITSCHER (believed to be an employee of the Federal Bureau of Prisons); MOSCHELLO (first name unknown, believed to be an employee of the Federal Bureau of Prisons); NORMAN (first name unknown, believed to be an employee of the Federal Bureau of Prisons); HOSAIN (first name unknown, believed to be an employee of the Federal Bureau of Prisons); MOUNBO (first name unknown, believed to be an employee of the Federal Bureau of Prisons); M. ROBINSON (first name unknown, believed to be an employee of the Federal Bureau of Prisons); TORRES (first name unknown, believed to be an employee of the Federal Bureau of Prisons) COUNSELOR RAYMOND COITON (believed to be an employee of the Federal Bureau of Prisons); DR. LORENZO

(first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT BIRAR (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT BUCK (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT T. CUSH (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT GUSS (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT D. ORTIZ (first name unknown, believed to be an employee of the Federal Bureau of Prisons); LIEUTENANT J. PEREZ (first name unknown, believed to be an employee of the Federal Bureau of Prisons); UNIT MANAGER C. SHACKS (first name unknown, believed to be an employee of the Federal Bureau of Prisons); JOHN DOES 1-30, Metropolitan Detention Center Corrections Officers, "John Doe" being fictional first and last names, intended to be the corrections officers at the Metropolitan Detention Center who abused the plaintiffs and violated their rights, and whose identities are known to the defendants but at this time unknown to the plaintiffs; JOHN ROES 1-30, Federal Bureau of Investigation and/or Immigration and Naturalization Service Agents, "John Roe" being fictional first and last names, intended to be the corrections officers at the Metropolitan Detention Center who abused the plaintiffs and violated their rights, and whose identities are known to the defendants but at this time unknown to the plaintiffs,

Defendants.

The defendants in this case, with their addresses, are:

JOHN ASHCROFT
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

JAMES W. ZIGLAR
Current address unknown to plaintiffs

MICHAEL ZENK
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

DENNIS HASTY
Federal Bureau of Prisons
320 First St., NW.
Washington, D.C. 20534

KATHLEEN HAWK SAWYER
Federal Bureau of Prisons
320 First St., NW.
Washington, D.C. 20534

LINDA THOMAS
Federal Bureau of Prisons
320 First St., NW.,
Washington, D.C. 20534

ROBERT MUELLER
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

KEVIN LOPEZ
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

S. CHASE
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

"JORDAN"
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

MARIO MACHADO
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

WILLIAM BECK
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

RICHARD DIAZ
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

C. SHACKS
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

SALVATORE LOPRESTI
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

STEVEN BARRERE
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

JON OSTEEN
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

J. MIELES
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

MICHAEL DEFRANCISCO
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

F. JOHNSON
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

CHRISTPHOR WITSCHER
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

MOSCHELLO
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

NORMAN
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

HOSAIN
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

MOUNBO
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

M. ROBINSON
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

TORRES
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

COUNSELOR RAYMOND COTTON
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

DR. LORENZO
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

LIEUTENANT BIRAR
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

LIEUTENANT BUCK
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

LIEUTENANT T. CUSH
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

LIEUTENANT GUSS
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

LIEUTENANT D. ORTIZ
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

LIEUTENANT J. PEREZ
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

UNIT MANAGER C. SHACKS
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

JOHN DOES 1-30
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

JOHN ROES 1-30
c/o Immigration and Naturalization Service
U.S. Department of Homeland Security
Washington, D.C. 20528